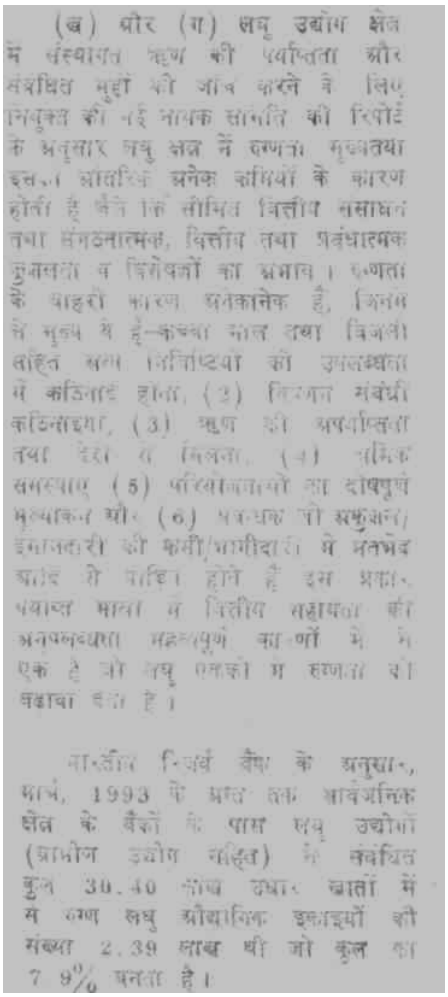

(ख) और (ग) लघु उद्योग क्षेत्र में संस्थागत ऋण की पर्याप्तता और संबंधित मुद्दों की जांच करने के लिए नियुक्त की गई नायक समिति की रिपोर्ट के अनुसार लघु क्षेत्र में वृद्धता मुख्यतया इस...। अतिरिक्त अनेक कमियों के कारण होती है जैसे कि सीमित वित्तीय संसाधन तथा संगठनात्मक, वित्तीय तथा प्रबंधात्मक कुशलता व विशेषज्ञों का अभाव। वृद्धता के बाहरी कारण अनेकानेक है, जिनमें से मुख्य ये हैं–कच्चा माल तथा बिजली सहित अन्य सेवाओं की उपलब्धता में कठिनाई होना, (2) विपणन संबंधी कठिनाइयां, (3) ऋण की अपर्याप्तता तथा देरी से मिलना, (4) श्रमिक समस्याएं (5) परिवेशगत्तों का दोषपूर्ण मूल्यांकन और (6) पक्षकार जो सकुशल/ इंजीनियरी की फर्मों/भागीदारी में मतभेद आदि से ग्रसित होते हैं इस प्रकार पर्याप्त मात्रा में वित्तीय सहायता की अनुपलब्धता महत्वपूर्ण कारणों में से एक है जो लघु उद्योग की वृद्धता को बढ़ावा देता है।

भारतीय रिजर्व बैंक के अनुसार, मार्च, 1993 के अंत तक वाणिज्यिक क्षेत्र के बैंकों के पास लघु उद्योगों (आमीण उद्योग सहित) में संबंधित कुल 36.40 लाख उधार खातों में से वृद्ध लघु औद्योगिक इकाइयों की संख्या 2.39 लाख थी जो कुल का 7.9% बनता है।

Purchase from State Government

404. SHRI VAYALAR RAVI; Will the PRIME MINISTER be pleased to state:

(a) whether Government have decided to give no preference to the public sector industries under the State Gov. ernmente in the matter of purchase for the Central Government requirements; and

iiM if so, the reasons therefor?

THE MINISTER OP STATE IN THI-MINISTRY OF INDUSTRY (SMT. KRISHNA SAJfl): (a) and (b) The policy on purchase preforance announced by the Central Govem- allows purchase preference to the Central Government public enter prises only when they deal with an other Central Governnent enterprise* or a Central Government Depart- Ind Bed by the Cent- ral Government fot implementation *hy* Central Government public' enterprises cannot be ari'lied no StaLe Government enterprises.

Inordinate delay in disposal of oases in Courts

40$.. PROP. VIJAY KUMAR MAL~ HGTP. V i the PRIME MINISTER be pleased to state:

fa) whether the Chief Justice *fit* India has expre[r];sesd anxiety and un-happiness over the inordinate delay in the disposal of cases in the courts including the tribunals and desired to bring about improvement in the dis. posal therein;

(b) if Btf, the sttps Government hsvc 'taken or propose to take in the

"[r]i

(r) whether Government are not giving the benefit of the judgment of the Supreme Court given in any one case to other similar cases,

(d) if so the reasons therefor;

(e) the steps taken to ensur[e] the application of th[e] judgements in all such other similar cases to bring down the number of cases pending in the ccourts;

(f) whether there is any proposal to also advis[e] [tn]e Supreme Court to invariably state in their judgements if thai judgement ig to apply in other similar cases o obviate any doubt; and

(g) if not, the reasons therefor?

THE MINISTER, OP STATE IN THE MINISTRY OP LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ:): (a) and (b) In order t[0] consider the problem of arrears of cases In Courts and find out ways

and means to deal with it as * tiously as possible, a meeting of the Chief Ministers and Chief Justices was held on 4ih December, 1993, under the Chairmanship of the Prime Minister. The Chief Ministers and Chief Justices expressed their deep concern over the exploding court dockets. While noting that the problem of arrears was complex in nature, thev emphasised that timely action was called for with a view to b.inging the justice system in tune with the current needs of all court nsenj at the same !ime ensuring the quality of - required ta be maintained ini any State governed by the Rule of Law. The Conference recommended several steps in a resolution to be adopted for speedy disposal of cases in CourtslTribunals, which have been acceptel by the Government and commended to all the State Governments/UT Administrations and High Courts/Tribunals for necessary action. Three Working Groups of Law Ministers, thereafter, met to consider the recommendations contained in the above Revolution with regard to rural litigation, v of eases in administrative tribu-:;nd alternative dispute resolution. The implementation of December, 1993 resolution and recommendations mnde by the Working Groups were reviewed by the Law Ministers at their plonary meeting held in Calcutta in November, 1994. A copy of the Resolution adopted at the meeting is onclosed as state, ment, (See below)

(c) to (e) The question whether directions rendered by the Court in one particular case can be regarded as operative in other cases was considered by the Supreme Court in Prahalad Singh Vs. Union of India ((1989) 2 SCC 683) and the matter was referred to a larger Bench for consideration and the matter is sub-judice.

(f) and (g) There fe no sueti proposal under consideration. The Government cannot advise the Supreme Court in such matters. _,J,J.

Statement

The Calcutta Resolution adopted *m the Law* Ministers' *Meeting,* 1994,

INTIiODUCTGK*

1. The Law Ministers met in Cal cutta on 17 November 1994 to review -the progress made in the implementa tion of the Resolution adopted by the Cldef Ministers and Chief Justices in New Delhi on 4 Decem ber 1993 on the subject of arrears of cases hi courts and tribunals and also to elaborate fuether the recommend- aUons contained in the said Resolu tion with regard to rural litigation, arrears of cases in administi d alternative dispute resole Union Minister of State for Law, Justice and Company Affairs, Shn H. R. Bbardwaj, was in the chair. The Chief Justice of India, Shri Justice A.M. Ahmadi and the Chief Minister of West Bengal, Shri Jyoti Basu, delivered special addresses at the meeting,

2. The Daw Ministers expressed their appreciation of the work done in the Working Groups of Law Mi nisters which met in Bombay (6 October 1994), Chandigarh (31 Octo ber 1994) and New Delhi (5 Novem ber 1994),

Implementation of CMs' and CJs Resolution

3. [fie Law Ministers recalled with .- .atisfaction that the CMs' and CJs' Resolution was adopted unanimously. noted that the Government df india accepted the recommendations contained in the said Resolution. The coo'c note o Doc. LMM| 4 containing a statement showing follow-up action taken on the recommendations made by the Chief

Ministers and Chief Justices. While expressing satisfaction that the Cen tral Government, the State Governments and the judiciary have implemented cer tain recommenlations contained in the said Resolution, the Law Ministers noted that the progress made in this regard was not completely satisfactory. They underlined the need to implement the recommendation within reasonable* time. They considered that financial or other constraints should not be allowed to come in the way olf implementing the recommendations contained in the the Resolution, They called upon all concerned to extend full co-operation in the matter of implementation of the said Resolution. The Law Ministers expressed the hope that State Government would utilise the amounts released by the Central Government based on a formula approved by the Planning Commission of India.

Alternative dispute resolution

4. The Law Ministers recalled that the Chief Ministers and Chief Jus tices emphasized the desirability of dsputants resolving their disputes by alternative mode such as arbitration, mediation, conciliation and negotia tion, gin;, they provided procedural flexibility, saved vauable time and money and avoided the stress of a conventional trial,

5. The Law Ministers considered that the Arbitration Act, 1940 was no! longer in tune with the international thought on the subject and that comprehensive law on arbitration be made, based largely on the UNCIT-RAL Mode Law on International Commercial Arbitration. They fur. ther recommended that the said law should also contain provisions on conciliation modelled on the UNCIT-RAL Conciliation Rules. The Law Ministers recommended that the new shpuld apply to both international and domestic arbitration and conciliation.

Rural litigation

6. The Law Ministers noted that the rural litigation constituted a major part of cases currency pending in[courts and recalled that the Chief Ministers and Chief Justices under lined the need (for restructuring tfie judicial system with a view to ensu ring inexpensive and speedy reso lution of rural Litigation. '1 hey were generally of the view that Nyaya Pan-chayats had not established themsel- is effectivo instrument for settle ment of rural litigation.

7. There was general agreement that given adequate facilities courtg could effectively deal with rural litigation. the Law Ministers noted in this regard the Pitot Project Scheme evolved by the High Court of Karnataka winch led, within a period of one year, to the disposal of about fifty per rent, of the cases in the selected districts. While commending this Scheme, the Law Ministers recomm-nded the adoption of the Karnataka model or a mdel similar toit in otheh States. The Law Mlnosters noted that Madhya Pradesh and Tamil Nadu hav$_e$ introduced similar schemos in their States.

8. The Law Ministers also considered that the efforts of subordinate courts in the matter of rural litigation would need to be supplemented by those of Lok Adalats. While noting with satisifact'on that Lok Adalats would soon be given statutory status. Thel Law Ministers recommended that im-mediat steps should be taken to faci litate the early entry into force of the Legal Services Authorities Aet$_>$ 1987. The Law Ministers also noted that the traditional and customary councils in the North Eastern Hill States have been rendering inexpen sive and speedier justice to the people of these States.

9. The Law Ministers recalled that the Chief Ministers and Chief Jus tices commended the pattern of Con ciliation Courts in Himachal Pradesh and expressed the liope that such Courts in Himachal Pradesh and ex pressed the hope that such courts would be constituted in other States soon.

10. The Law Ministers noted with satisfaction the existence of mediation and conciliation centres in some Sta tes like Tamil Nadu and recommen ded that such centres should be es tablished in other States also.

11, The Law Ministers recalled the ucommendation of the aCMg and CJs that ihe provisions of the Code of Criminal Procedure, 1973 in regard to appointments of Special Judi<. $_0$ gistrates and Special Metropolitan Magistrates should be put to use by identifying cases which they were empowered to deal with under the Code, and emphasised that there was urgent need to appoint such Magistrates-

12. The Law Ministers also felt that immediate consideration should be given to the categories of criminal case..; which could be withdrawn if they were pending for prolonged periods. In this context, the Law Ministers noted with interest consti tution of committees in some States consisting of the Cbieif Secretary, the Law Secretary and the administ rative Secretary, among others, for the purpose of taking appropriate de cisions with regard to reduction of Government litigation in courts and recommended that consideration shoul be given to the constitution of similar committees in other States. The Min isters felt that renewed efforts should be made with a view to avoiding fri volous litigation involving Govern ment. ! *f*

13. The Law Ministers further noted that the laws of procedu$_r$ and evidence were in need of reform.

Administrative Tribunal

14, The Law Minister recalled that the Resolution of CM$_S$ and CJs con. siured that the reeommedations made i herein should, *mutatis mutandis)* be enforced even in respect of adminis. frative tribunals and that Gvarnment should undertake an examination of problems connected with arrears of cases in those tribunals. In particular, they had drawn. altera tion to tlie recommendation in the said Resolution with regard to, among o.her things, fixation of time-limits wilhin which proposals for appointment of members of tribunal ought to be processed, periodic re. view of the optimum strength of mem-. if, in each tribunal, granting of adjournments only in exceptional cir. cumstanees, time-limits for oral argument^ need for short judgements gro. uping of cases, provision of modern equipments to tribunals, priority to old cases, and the need for reserved judgment to be given within a rea-ible time.

15. The Law Ministers noted that thei Working Croup on administrative trl- !/ trials reviewed the working of administrative tribunals constituted by the Central Government. They took note of Doc. No. LMM (WG-IH) 94/3 containing a working paper on "Review olf the Working of Administrative Tribunals".

16. The Law Ministers agreed that the recommendations in the Resolu. tion of the CM$_S$ and CJs in respect of administrative tribunals should be implemented as early as possible. They considered that vacancies in these tribunals should be filled up without delay so that the arrears did not mount. ,.

17. The Law Ministers also consid. ered that the tenure of appointment of members of the tribunals should be "or fairly longer periods and + .i* the provisions in various enactments in thisregard should be reviewed.

18. The Law Ministers also emphasised that care should be taken to tnsure that only persons who have, among other things, requisite ability to handle cases, proper personal conduct and ethical behaviour, firmness and fearlessness were appointed as members of tribunals,

19. The Law Ministers were also of the opinion that disputes between Government and public sector undertakings and one public sector under, taking and another public sector undertaking ought not to go to court-, or tribunals and that suca disputes should be settled between the par. ties amicably.

20. The Law Ministers also considered that the selection committee constituted for making recommendations for appoitment of members of tribunals should be headed by the Chief Justice of India or his nominee at the Central level, and by the Chief Justice of the concerned High Court or his nominee at the State level, and that such a selection committee should be a standing body.

21. The Law Ministers also considered that the administrative control over all tribunals at both central and state levels should be entrusted to a single Ministry/Department.

22. The Law Ministers were also of the opinion that orders passed by administrative bodies should invariably be speaking orders so that tribunals could appreciate what actually %veighed with the authorities in taking their decisions.

2ft. The Law Ministers expressed their deep appreciation to the Government Of West Bengal for inviting them to hold the present plenary meeting in Ca^cutta and making all efforts to make it successful.

Calcutta

17 November, 1994

Vacancies of Judges and pending cases in Gujarat and Maharashtra HCs

406. SHRIMATI CHANDRIKA AB-HiNANDAN JAIN; Will the PRIME MINISTER be pleased to state:

(a) how many vacancies of Judges are there in Gujarat and Maharashtra High Courts respectively, as on date;

(b) how many cases are lying pending in the above courts for judgement and hearing;

(c) what measures are being taken to appoint Judges to fill up the vacancies and whether any more Judges

;■ required to deal with the pending cases; and

(d) the reasons for inordinate de lay in appointing Judges and disposal of caees?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE ANDI COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) As on 5.12.94 there were 5 vacancies olf permanent Judges and 9 vacancies of Additional Judges against the sanctioned strengh i ' 4(2 permanent Judges and 12 Additional Judges of the Bombay High Court. Similarly, there were 4 vacan-of Additional Judges against the sanctioned strength of 23 permanent Judges and 7 Additional Jud-of the Gujarat High Court as on 5.12.94.

(b) As on 30.6.94, there were 1,96,790 and 99;501 cases pending in the Bombay and Gujarat High Court respectively

(c) and (d) The pendency otf cases in High Courts is due to several complex factors. It has been decided to create six new posts of Addition al Judges in the Bombay High Court and six new posts of permannent/Additionai Judges in the Guja rat High Court over and above their